

# UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America  
v.

Christopher Ellerby

Date of Original Judgment: October 31, 2011

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

)  
)  
) Case No: 7:10-CR-88-1FL  
) USM No: 54559-056  
) Robert Waters  
\_\_\_\_\_  
Defendant's Attorney

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 80 months is reduced to 63 months on Count 1.

Count 2 remains 60 months, consecutive.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated October 31, 2011, shall remain in effect. **IT IS SO ORDERED.**

Order Date: February 18, 2016



\_\_\_\_\_  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Louise W. Flanagan, U.S. District Judge  
\_\_\_\_\_  
Printed name and title